



CITY OF FITCHBURG

Planning Department

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MINUTES
PLAN COMMISSION
May 20, 2014

Plan Commission Members Present: Carol Poole, Ed Kinney, Tony McGrath, Becky Baumbach, Rachel Lee, Kathi Kilgore

Others Present: Tom Hovel – City Planner/Zoning Administrator,
Susan Badtke – Community Planner

1. Call to order and approval of minutes of 4/15/2014.

Chair Poole called the meeting to order at 7:00 p.m.

Motion by McGrath, second by Kinney, to approve the minutes of 4/15/2014 was carried unanimously.

2. Public Appearances – non agenda items –

Mayor Shawn Pfaff, 5202 Day Lily Place, congratulated Ed Kinney on his long-standing service on the Plan Commission and thanked all of the members. He also thanked Carol Poole for her leadership on the Commission.

3. Agenda Review - No changes.

4. Public hearing and consideration of conditional use permit request, CU-2012-14, for the impact to the wetlands to allow for the construction of a multi-use path on former rail corridor.

Chair Poole opened and closed the public hearing as there were no registrants.

City Planner Tom Hovel provided a brief staff report noting staff recommended approval.

Motion by Kinney, second by McGrath, to approve CU-2012-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

Motion was carried unanimously.

5. Public hearing and consideration of conditional use permit request, CU-2013-14, by Chris Armstrong of Whalen Warehouse, LLC, to allow for a landscape service use in an existing building at 5933/5935 Whalen Road.

Chair Poole opened and closed the public hearing as there were no registrants.

City Planner Tom Hovel explained the request for a landscape business. He informed the Commission that the building inspector who handles restroom facilities and building codes have indicated that this use would require a restroom.

Motion by Kilgore, second by Baumbach, to approve CU-2013-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Bathrooms shall be installed for the landscape service prior to the establishment of any occupancy that requires bathroom facilities as required by Building Inspection. No holding tank shall be allowed.

Motion was carried unanimously.

6. Architectural Design Review request by Chris Armstrong of Whalen Warehouse, LLC, to for site alterations, including the addition of a proposed gravel area, at 5933/5935 Whalen Road.

City Planner Tom Hovel explained the request to expand the gravel drive and add a gravel parking lot, which takes the site to the maximum lot coverage allowed under zoning.

Motion by Baumbach, second by Lee, to approve ADR for 5933/5935 Whalen Road with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

7. Public hearing and consideration of rezoning request, RZ-2015-14, by Bill Schiel, agent for Community Condominium Development Corporation, to amend the PDD-SIP (Planned Development District – Specific Implementation Plan) zoning to clarify language regarding stoops and also adjust the setback line for permeable outdoor living spaces, for Capitol Heights Homes Condominiums, Lot 116 Targhee Addition to Oak Meadow.

Chair Poole opened the public hearing.

Bill Schiel, 39 Glen Arbor Way Fitchburg, explained his request to amend the PDD-SIP zoning to allow for stoops outside of the unit envelope and also allow for patios to have a minimum 3' setback from the rear property line for specific lots located along the park. He explained that the patios will not encroach onto the park and will have a split rail fence and additional landscaping.

Chair Poole closed the public hearing.

City Planner Tom Hovel pointed the Commission to the draft ordinance.

Motion by Baumbach, second by Kilgore, to recommend approval of RZ-2015-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval herein provided. Approval is based on plans and representations made in submitted application as updated and provided on May 2, 2014.
- 2.) The more recent approval shall apply in case of conflict with prior PDD approvals. Prior approvals remain in effect except where in conflict.

Motion carried unanimously.

8. Public hearing and consideration of rezoning request, RZ-2016-14, by Barbara Hogan to rezone from the R-L (Residential Low Density) to the R-R (Rural Residential) district, property associated with 1919 Borchert Road, Lot 1 CSM 986.

Chair Poole opened and closed the public hearing as there were no registrants.

Motion by Kinney, second by Baumbach, to recommend approval of RZ-2016-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

Motion carried unanimously.

9. Public hearing and consideration of conditional use permit request, CU-2017-14, by Erika Biemann, agent for American Transmission Company, for wetland impact from a structure replacement as part of the Y119 Transmission Line project.

Chair Poole opened the public hearing.

Nicole Staskowski, 3258 CTH JG, Mt. Horeb, spoke in support of the request and was available to answer questions. She stated that ATC has been in communication with the US Fish and Wildlife Service, Army Corps of Engineers and WI DNR for wetland work.

Chair Poole closed the public hearing.

Motion by Kinney, second by Lee, to approve CU-2017-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Shall obtain all required DNR and Army Corps of Engineer approvals, and provide a copy to planning staff, prior to issuance of any permits or start of construction.

Motion carried unanimously.

10. Public hearing and consideration of conditional use permit request, CU-2018-14, by David Karlovich of iCombat, with authorization from Benjamin Investment LLC, to allow for a laser tag use at 2919 Marketplace Drive, Lot 17 Fitchburg Business Park.

Chair Poole opened the public hearing.

David Karlovich, W 9110 Overlook Ct Cambridge, owner of iCombat Extreme, spoke in support of the request and was available to answer questions. He explained that the Fitchburg location will be the second facility for the business.

Chair Poole closed the public hearing.

City Planner Tom Hovel explained the request and noted that parking is the main item of concern; however, the applicant has stated that for most instances the level of parking provided should be sufficient.

Motion by Baumbach, second by Kilgore, to approved CU-2018-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Review sprinkler and fire alarm systems with the fire department for the change in use for the occupancy.
- 3.) Applicant accepts responsibility and risk of the level of parking, which is beyond that required by the City's parking standards.

Motion carried unanimously.

11. Public hearing and consideration of Ordinance 2014-O-13, An Ordinance Amending Article 5.13.4c and 5.13.5b Relative to Vinyl Siding.

Chair Poole opened the public hearing.

Mike Filkouski, 7266 Cty Rd V Sun Prairie, registered in support of the request and was available to answer questions.

Tim O'Brien, 529 W 27340 Green Lane Waukesha, representing CertainTeed, was available to answer questions.

Ron Fedler, 2379 University Ave Madison, representing Goldleaf, spoke in support of the ordinance amendment.

Chair Poole closed the public hearing.

Motion by Baumbach, second by Kinney, to recommend approval of Ordinance 2014-O-13 was carried unanimously.

12. Certified Survey Map request, CS-2014-14, by Russell Swiggum to correct inappropriate lot created in the Town of Verona on Tonto Trail.

Hovel explained the request for a CSM in the Town of Verona within the City's Extraterritorial Jurisdiction area. He explained that Dane County has asked for the CSM to help clean up the property.

Motion by Kinney, second by Baumbach, to recommend approval of CS-2014-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

13. Final Plat request, FP-2019-14, by Michael Marty of Vierbicher Associates, Inc., agent for Goldleaf Fitchburg, LLC, for the Final Plat of North Park.

Mike Marty, 999 Fourier Drive #201 Madison, representing Goldleaf Fitchburg LLC, provided a brief overview of the request and was available to answer questions.

Mike Filkouski, 7266 County Rd V Sun Prairie, representing Goldleaf Fitchburg, registered in support of the request and was available to answer questions.

Motion by Kinney, second by McGrath, to recommend approval of FP-2019-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) A subdivision improvement agreement shall be signed and recorded prior to the City signing of the final plat.
- 3.) All park fees, for the stage 1 portion, shall be paid to the City prior to the city signing of the final plat.
- 4.) SmartCode Article 3 Plan shall be updated to match the block perimeters, alleys, etc. provided in the final plat.
- 5.) Applicant shall prepare and provide a signed maintenance agreement for the alley outlots to be approved by the City prior to the signing of the final plat.
- 6.) Applicant shall address all public works comments and future comments for the plat related to private and public utilities, bike paths and future Lacy and Syene road typical sections and make any necessary updated to the plat prior to the City signing of the final plat.

Motion carried unanimously.

14. Request by David Glusick of Vierbicher Associates, Inc., agent for Goldleaf Fitchburg, LLC, to allow for issuance of permits for lot 4 North Park plat prior to acceptance of public improvements.

Mike Marty, 999 Fourier Drive #201 Madison, representing Goldleaf Fitchburg LLC, explained that Goldleaf is hoping to start on the project in early June and has prepared a temporary access plan to meet the Fire Department's access requirements.

Mike Filkouski, 7266 County Rd V Sun Prairie, representing Goldleaf Fitchburg, registered in support of the request and was available to answer questions.

Ed Kinney stated that a similar request came up a number of years ago and there was concern about what would happen if a building was built but the roads never finished. He stated that in this case, the applicant is the same and will be both installing the roads as well as the building.

Motion by Kinney, second by Baumbach, to allow for issuance of permits for lot 4 North Park plat prior to acceptance of public improvements with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Approval is for staff to issue the early start permit only; public improvements are required to be accepted prior to issuance of zoning or building permits.
- 3.) No combustible materials are allowed to be stored on the site.
- 4.) The subdivider or developer shall provide an agreement to be recorded whereby the subdivider agrees to indemnify and save the city harmless from any and all claims, actions, demands, or judgments for personal injuries or property damages, together with the actual expenses incurred in connection therewith, arising out of or in any way related to the issuance of such building permits, or construction within the subdivision including any such claim, action, demand or judgment premised upon the negligence of the city or any of its officers, agent, servants or employees.

- 5.) The building owner shall agree in a written affidavit that occupancy shall not occur, nor shall occupancy permits be issued, prior to the completion, inspection and acceptance of all required improvements.
- 6.) Applicant shall obtain approval of a SmartCode Article 5 plan for the building/site prior to issuance of any permit.
- 7.) Applicant shall agree to provide temporary road maintenance.
- 8.) Subject to approval and recording of final plat FP-2019-14.
- 9.) All required fees shall be paid, proper security posted and barricades provided, prior to the issuance of any permit.

Motion carried unanimously.

15. Discussion of the SmartCode Frontage Buildout requirements regarding building articulation.

Ron Fedler, 2379 University Ave Madison, representing Goldleaf, explained his request to allow for a greater variation from the principal setback. He stated that the code only allows for an 18" variation and they would like to have 43" to make the railings setback to be more flush with the building wall and also to set the HVAC grills perpendicular to the building front as a way to mask the grills. He explained that their buildings are 6-sided and they would like to do the same on both of the street sides of the building.

Mike Filkouski, 7266 County Rd V Sun Prairie, representing Goldleaf Fitchburg, registered in support of the request and was available to answer questions.

Donald Schroeder of Knothe & Bruce Architects, representing Goldleaf, was available for questions. He explained the drawings that were provided and stated that they are specifically requesting the additional room to provide extra space for the HVAC grill.

Tim O'Brien, 529 W 27340 Green Ln Waukesha, representing CertainTeed, was available to answer questions.

Ed Kinney commented that all of the requirements fit together to create a feel to the streetscape. He stated that while each little thing might seem minor, things start to add up and you might not end up with the end product that you were aiming for. He asked Community Planner Susan Badtke, who worked with the committee to draft the Code, whether she felt that the increased articulation for the decks would be harmful to the Code. Badtke responded that it is difficult to know at what point increased articulation would be harmful and the impact can't fully be understood based on illustrations.

Becky Baumbach commented that personally she feels like the SmartCode is an ideal and compared it to stating that we don't need to fix roads because more people are riding bicycles. She stated that she doesn't want to destroy the intent of the ordinance but doesn't think that this will and it seems like people are just following rules.

Tony McGrath commented that there are varying views on articulation and some think that it gives variety and makes the building different. He stated that this is quantum physics but that the city can continue to modify the code as needed.

Chair Poole suggested that perhaps the code allow the 43" recess by administrative waiver and Plan Commission approval, and be allowed only for multi-family buildings with decks.

Kinney liked Poole's suggestion as he stated that the Commission would want to see why the exception is being requested on a case by case basis.

McGrath questioned whether it would be possible to add in a general waiver to the code rather than continuing to update for administrative waivers each time an issue arises. Hovel commented that staff had given this some thought but there might be problems with a general waiver.

Hovel stated that staff will work on drafting an ordinance amendment for this increased variation by administrative waiver that goes to the Plan Commission for approval.

16. Resolution R-59-14, Accepting a Sanitary Sewer Adjacent to Lacy Road, East of Syene Road.

City Planner Tom Hovel explained that this is a free easement related to extension of putting back in the rail line. The city would like to install public improvements so that they don't have dig up the ground again.

Motion by McGrath, second by Kinney, to recommend approval of R-59-14, was carried unanimously.

17. Appointment of Plan Commission member to Transportation & Transit Commission (TTC).

Chair Poole stated that Tony McGrath has served on TTC for 2 years.

Motion by Baumbach, second by Kinney, to reappoint Tony McGrath TTC. Tony accepted the reappointment.

Motion was carried unanimously.

18. Confirming appointment of District 4 Plan Commission member to Agriculture & Rural Affairs Committee.

Motion by Baumbach, second by Lee, to approve Ed Kinney as the Plan Commission citizen member to Agricultural and Rural Affairs Committee.

19. Planning Department Report - City Planner Tom Hovel stated that a number of requests were submitted for the June meeting.

20. Announcements

Chair Poole announced that the next Commission meeting is scheduled for 17, 2014.

21. Adjournment

Motion by Baumbach, second by McGrath, to adjourn at 8:35 p.m. was carried unanimously.

Submitted By,
Susan Badtke, Community Planner

Approved June 17, 2014